

## **REMARKS**

### ***Summary of Office Action***

The Examiner withdrew Claims 37-71 from examination as being directed to a non-elected species. In the Office Action, the Examiner indicated that Claims 8, 26-28, and 30 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since Claim 8 is an independent claim, however, it was confirmed in a telephone interview with the Examiner on February 6, 2007 that Claim 8 was incorrectly included in this section and instead was intended to be rejected under 35 U.S.C. § 112, first paragraph, as discussed on pages 4-11 of the Office Action. The Examiner further rejected Claims 1, 5, 7, 9-11, 17-25, 29, 31, and 35 under 35 U.S.C. § 112, first paragraph, for not being enabled by the specification. The Examiner also rejected Claims 1, 3, 5-6, 9, 11, 15, and 17-24 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Finally, the Examiner rejected Claims 32 and 34-36 under 35 U.S.C. § 112, first paragraph, for not being enabled by the specification.

### ***Summary of Amendment***

Upon entry of the present Amendment, Claims 1, 3, 5, 7-8, 11, 17, 21, and 26-29 will have been amended. Additionally, Claims 15, 32, and 34-36 will have been cancelled. As such, Claims 1, 3, 5-14, 16-31, 33, and 37-71 remain currently pending. By the present Amendment and Remarks, Applicant submits that the rejections have been overcome and respectfully requests reconsideration of the outstanding Office Action.

### ***Applicant's Response***

#### **1. Telephone Conference**

Initially, Applicant would like to thank the Examiner for conducting the telephone conference on February 6, 2007. In that conference, the Examiner indicated that Claim 8 was incorrectly included in the Office Action as being merely objected to as being dependent upon a rejected base claim. The Examiner stated that Claim 8 was intended to be rejected

under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification, as discussed on Pages 4-11 of the Office Action.

The Examiner further confirmed that Claims 26-28 and 30 would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Finally, the Examiner indicated that the remaining claims would be allowable if rewritten to only encompass the disclosed and enabled cancer cells, such as colon cancer, instead of cancer in general.

2. Claims 26-28, 30-31, and 33

Claim 26 has been amended to now be in independent form and incorporates all of the limitations of former Claim 8 on which it previously depended. Additionally, Claims 27 and 28 have been amended to now be in independent form and incorporate all of the limitations of former Claim 3 on which they previously depended. Claim 30 now depends from amended Claim 27 which the Examiner indicated would be allowable. Additionally, although not explicitly indicated in the Office Action as being objected to, Claims 31 and 33 depend from Claim 27, which the Examiner indicated would be allowable if rewritten in the present form; as such, Applicant respectfully submits that Claims 31 and 33 should likewise now be allowable. Based on the current amendments, Applicant respectfully submits that the objection cited by the Examiner has been overcome and Claims 26-28, 30-31, and 33 are now in condition for allowance.

3. Claims 1, 3, 5-11, 17-25, and 29

Claims 1, 3, 7-8, 11, and 29 have all been amended to currently recite, "...selected from the group consisting of colon cancer, renal adenocarcinoma, and melanoma..."

Applicant respectfully submits that the claims, as currently amended, are fully enabled by the specification and meet the written description requirement. The Examiner admits that the specification is, "enabling for inhibiting colon cancer cell migration," but then asserts that it, "does not reasonably provide enablement for treating a wide variation of cancer." *Office Action, Page 4*. The Examiner further states that, "there is no

description in the specification for treatment of a representative types of cancers listed in the above claims.” *Office Action, Page 12*. In the telephone conference of February 6, 2007, the Examiner indicated that these rejections were due to the claims being directed to treatment of cancer, but that if the claims were limited to the cancers described in the specification, such as colon cancer, they would be allowable. Since the specification describes the treatment of colon cancer, renal adenocarcinoma, and melanoma in Paragraphs 0084-0089, Applicant respectfully submits that these claims are now in condition for allowance, per the discussion with the Examiner.

Furthermore, since Claims 5-6, 9-10, and 17-25 depend on these currently amended claims, they are likewise believed to now be allowable.

4. Claims 15, 32, and 34-36

Claims 15, 32, and 34-36 have been cancelled by the current amendment. Accordingly the rejection of these claims has been rendered moot.

***Conclusion***

Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. § 112, and respectfully requests that the Examiner indicate allowance of each and every pending claim of the present invention.

In view of the foregoing, it is submitted that the Section 112 rejections have been overcome. Applicant respectfully submits that the amendments to the claims have rendered the Examiner's rejections moot and have placed the claims in a condition for allowance per the Examiner's comments.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 3/5/07

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